

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON

OCT 18 2004

JOHN DAVID MOONEY,

*

Petitioner,

*

vs.

*

Crim. No. 3:02-00231

Civil No. 3:04-1001

UNITED STATES OF AMERICA,

*

Respondent.

*

MOTION FOR LEAVE TO FILE A TRAVERSE/REPLY TO
GOVERNMENT'S RESPONSE

NOW COMES the Petitioner John David Mooney, pro se, and respectfully asks for leave to file a Traverse/Reply to the Government's response to his § 2255 petition by twenty days from his receipt of said response.

In support thereof, Petitioner states as follows:

1. I am the petitioner in the above reference case.
2. I expect the Government to file a response in opposition to my § 2255 motion.
3. Due to the fact that I am a layman of the law, it will take me several days to read and research the material contained in the Government's response.
4. Pursuant to B.O.P. policy, I am required to work five days a week, which will limit my research time in the law library.
5. The instant petition involves an issues which requires intensive examination of the record and intensive research,


and Petitioner will need the twenty days to complete the Traverse if this Court was to grant leave pursuant to Rule 7(a) of the Federal Rules of Civil Procedure.

6. This motion is not a result of any dilatory purpose but rather to insure the Petitioner effective and adequate representation on his habeas corpus.

7. The reply will be completed in the allotted time.

WHEREFORE, based on the foregoing reasons, Petitioner respectfully urges this Honorable Court to grant him leave to file a Traverse/Reply to the Government's response.

Respectfully submitted,


John David Mooney
Reg. No. 04890-088
F.C.I. Gilmer
P.O. Box 6000
Glenville, WV 26351

CERTIFICATE OF SERVICE

I, John David Mooney hereby certify that I have served a true and correct copy of the following:

**MOTION FOR LEAVE TO FILE A TRAVERSE/REPLY TO
GOVERNMENT'S RESPONSE**

Which is deemed filed at the time it was delivered to prison authoritied for forwarding to the court, Houston v. Lack, 487 U.S. 266 (1988), upon the attorney of record, by placing the same in a sealed, postage prepaid envelope addressed to:

MICHAEL KELLER
ASSISTANT UNITED STATES ATTORNEY
P.O. BOX 1713
CHARLESTON, WV 25326-1713

and deposited in the United States Postal Mail at the Federal Correctional Institution in Glenville, West Virginia on this 14 day of October, 2004.


John David Mooney

John D. Mooney # 04890-088
Federal Correctional Institution
P.O. Box 6000
Glennville, WV 26351

Legal Mail

United States District Court
United States Bankruptcy Court
Southern District of West Virginia
OFFICE OF THE CLERK
Post Office Box 1570
Huntington, West Virginia 25716
25716-1570

